

REMARKS

The Examiner is thanked for the performance of a thorough search. Claims 1, 5, 6, and 10–14 are amended. No claims are added or canceled. Hence, Claims 1-14 are now pending in the application.

Each issue raised in the Office Action is addressed hereinafter.

I. CLAIM REJECTIONS BASED ON 35 U.S.C. § 103

A. *Obviousness under 35 U.S.C. § 103(a): JTC and Zinin.*

Claims 1, 4-6 and 9-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Joint Technical Committee, “Information technology – Telecommunications and information exchange between systems – Intermediate System to Intermediate System intra-domain routing information exchange protocol for use in conjunction with the protocol for providing the connectionless-mode network service (ISO 8473)” (hereinafter *ISO 10589*), in view of U.S. Patent No. 7,065,059 (hereinafter *Zinin*). Applicants traverse the rejection. Reconsideration is respectfully requested.

INDEPENDENT CLAIMS 1, 5, 6, AND 10–14

Each of independent Claims 1, 5, 6, and 10–14 recites, in one form or another:

in response to receiving the one or more hello packets, sending a first link-state packet **in Intermediate System-to-Intermediate System protocol**;
wherein the first link-state packet **includes a field for an overload bit**;
wherein the overload bit in said field is **not set**;
wherein the first link-state packet comprises **no adjacency information**;

For example, a device implementing the method of Claim 5 may determine that adjacency establishment is required. The device may make such a determination, for example, because the device may have recently restarted. In response to the exchange of discovery

messages, the device may send out a “first link-state packet” in the Intermediate System-to-Intermediate System (IS-IS) protocol. Link state packets in the IS-IS protocol include a field for an overload bit. This field may be known as the LSPDBOL field. *See, e.g.*, RFC 1149 at §§ 9.8 and 9.9. A link state packet in the IS-IS protocol also typically includes adjacency information. The first link-state packet, however, does not advertise adjacency information, and its overload bit is not set. In this manner, the device informs the network “that the node is not ready to receive traffic.” Specification at [0048-0049].

The cited references fail to teach or suggest the methods of claims 1, 5, 6, and 10–14 for a number of reasons.

(1) The cited references fail to teach an IS-IS packet “wherein the overload bit . . . is not set” and “that comprises no adjacency information.”

Neither *ISO 10589* nor *Zinin* teaches or suggests “a first link-state packet,” within the meaning of Claims 1, 5, 6, and 10–14. This first link-state packet is specifically required to be in the “Intermediate System-to-Intermediate System protocol.” The first link-state packet must “include[] a field for an overload bit” and “the overload bit in said field [must] not [be] set.” Furthermore, this first link-state packet must “comprise[] no adjacency information.”

As previously discussed, and as acknowledged by the Office Action, *ISO 10589* does not contemplate “sending a link-state packet without adjacency information and without an overload bit set.” Thus, *ISO 10589* does not teach the “first link-state packet” of Claims 1, 5, 6, and 10–14.

The Office Action instead alleges that *Zinin* teaches a link-state packet “without adjacency information and without an overload bit set.” However, even if this allegation is true, *Zinin* does not teach or suggest the “first link-state packet” presently recited in Claims 1, 5, 6, and 10–14. Rather, *Zinin*’s link-state packets are in the OSPF protocol as opposed to IS-IS, as required by the claims. Furthermore, as a consequence of being in the OSPF protocol, *Zinin*’s link-state packets contain no field for an overload bit. Consequently, it would be impossible for *Zinin*’s link-state packets to teach that “the overload bit in said field [must] not [be] set.” For at least these reasons, *Zinin* does not teach or suggest the “first link-state packet” of Claims 1, 5, 6, and 10–14.

(2) The cited references fail to teach that the “first link-state packet” is “in response” to a “message” or “Hello packet”

Claims 1, 6, 11, and 13 recite that the “first link-state packet” is sent “in response to receiving the one or more hello packets.” Claims 5, 10, 12, and 14 more generically recite that the “first link-state packet” is generated “in response to the one or more received messages.” Neither *ISO 10589* nor *Zinin* teach or suggest such a limitation.

The Office Action alleges that *Zinin*’s link state Update packet, discussed in col. 4, lines 31–49, is “a link-state packet without adjacency information and without an overload bit set.” Even if this allegation is true, *Zinin*’s link state Update packet is not “in response to the one or more received messages.” Rather, *Zinin*’s link state Update packet are sent “as soon as the interface is placed in the Waiting/Preempt state,” col. 4, lines 38–39, which occurs “when a new instance of the routing protocol software is reloaded,” col. 3, lines 61–67. In fact, *Zinin*’s link state Update packets are sent while “waiting for incoming Hello packets,” col. 4, line 31–32, as opposed to “in response to” the Hello packets. Thus, *Zinin* fails to disclose a “first-link state packet” that is “in response to” a “message” or a “Hello packet.”

Also, since *ISO 10589* does not contemplate “sending a link-state packet without adjacency information and without an overload bit set,” *ISO 10589* also inherently fails to disclose sending or generating such a link-state packet in response to any messages.

(3) The cited references are inoperative in combination

Furthermore, *ISO 10589* is directed specifically toward link-state packets in the IS-IS protocol. *Zinin*, by contrast, is directed toward link-state packets in the OSPF protocol. It would not have been obvious to one skilled in the art to apply *Zinin*’s technique for resetting an OSPF inactivity timer to the IS-IS protocol of *ISO 10589*, in which *Zinin*’s technique would be entirely incapable of any timer reset. In fact, due to major differences in implementation of link state routing protocols, the combination of *Zinin* and *ISO 10589* would be entirely inoperative. Thus, the combination of *Zinin* and *ISO 10589* fails to teach one skilled in the art anything more than what *ISO 10589* already teaches.

In fact, there would have been no motivation to combine *Zinin* and *ISO 10589*. The Office Action identifies a motivation of “increased efficiency of the network connection.” However, since such a combination would be inoperative, no such benefit would occur. In other words, because OSPF is implemented very differently from IS-IS (e.g. OSPF lacks any concept

of an overload bit), there would be no reason for someone to modify *ISO 10589* to include *Zinin*'s OSPF-based features, as the results achieved in Applicants' claims could not occur. Neither the references themselves nor the Office Action provide any other basis for a skilled artisan to combine the references. Thus, there would have been no motivation to combine *ISO10589* and *Zinin*.

For at least the foregoing reason, the combination of *ISO 10589* and *Zinin* does not teach or suggest at least one element in each of independent Claims 1, 5, 6, and 10-14. Therefore, the combination of *ISO 10589* and *Zinin* cannot render obvious any of Claims 1, 5, 6, and 10-14. Reconsideration is respectfully requested.

DEPENDENT CLAIMS 4 AND 9

Claims 4 and 9 depend from Claims 1 and 6, respectively, and include each of the above-quoted features by dependency. Thus, the combination of *ISO 10589* and *Zinin* also fails to teach or suggest at least one feature found in Claims 4 and 9. Therefore, the combination of *ISO 10589* and *Zinin* does not render obvious Claims 4 and 9. Reconsideration of the rejection is respectfully requested.

In addition, each of Claims 4 and 9 recites at least one feature that independently renders it patentable. To expedite prosecution in light of the fundamental differences already identified, further arguments for each independently patentable feature of Claims 4 and 9 are not provided at this time. Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

B. Obviousness under 35 U.S.C. § 103(a): ISO 10589, Zinin, and Shand.

Claims 2, 3, 7, and 8 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *ISO 10589* in view of *Zinin*, and in further view of *Shand et al.*, "Restart signaling for IS-IS" (hereinafter "*Shand*"). Applicants traverse the rejection. Reconsideration is respectfully requested.

Claims 2, 3, 7, and 8 are dependent upon independent Claims 1 or 6. As discussed in section A above, the combination of *ISO 10589* and *Zinin* fails to teach or suggest one or more features of Claims 1 and 6. The one or more features, identified above, which are missing from

combination of *ISO 10589* and *Zinin*, are also missing from *Shand*. In fact, the Office Action did not rely upon *Shand* for teaching the one or more features. Consequently, the combination of *ISO 10589*, *Zinin*, and *Shand* fails to teach or suggest one or more features of Claims 2, 3, 7, and 8. Thus, Claims 2, 3, 7, and 8 are patentable over the combination of *ISO 10589*, *Zinin*, and *Shand*.

Additionally, each of the dependent claims recites at least one additional feature that independently renders it patentable over the combination of *ISO 10589*, *Zinin*, and *Shand*. To expedite prosecution in light of the fundamental differences already identified, further arguments for each independently patentable feature of Claims 2, 3, 7, and 8 are not provided at this time. Applicants reserve the right to further point out the differences between the cited art and the novel features recited in the dependent claims.

II. ADDED CLAIMS / AMENDMENTS

The added claims and amendments to the claims do not add any new matter to this application. The amendments to Claims 1, 5, 6, and 10–14 are supported by at least ¶ [0048] of the Specification. The amendments to the claims were made to improve the readability and clarity of the claims and not necessarily for any reason related to patentability.

III. CONCLUSION

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a check for the petition for extension of time fee and other applicable fees is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

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/KarlTRees#58983/
Karl T. Rees, Reg. No. 58,983

2055 Gateway Place, Suite 550
San Jose, CA 95110
(408) 414-1233
Facsimile: (408) 414-1076